

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

WILLIAM HEATHCOTE, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

SPINX GAMES LIMITED, GRANDE
GAMES LIMITED, and BEIJING BOLE
TECHNOLOGY CO., LTD.,

Defendants.

Case No. 2:20-cv-01310-RSM

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

HON. RICARDO S. MARTINEZ

The above-captioned matter came before this Court upon Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement. Based upon the memoranda, exhibits, and all the files and proceedings herein, the Court finds as follows:

1. The Court grants preliminary approval of the Settlement based upon the terms set forth in the Settlement Agreement.

2. The settlement terms set forth in the Settlement Agreement appear to be fair, adequate and reasonable to the Settlement Class, and the Court preliminarily approves the terms of the Settlement Agreement, including:

a. A Settlement Fund of \$3,500,000;

b. An Incentive Award, which shall not exceed \$5,000 for Plaintiff Alma Sue Croft;

- c. Attorneys' fees to Settlement Class Counsel, which shall not exceed 25% of the Settlement Fund, plus reimbursement of expenses; and
- d. Reasonable settlement administration expenses.

3. The Court grants the Parties' request for certification of the following Rule 23 Settlement Class for the sole and limited purpose of implementing the terms of the Settlement Agreement, subject to this Court's final approval:

All Persons who played the Applications on or before January 31, 2022, while located in the state of Washington.¹

4. The Court preliminarily appoints Philip L. Fraietta and Alec M. Leslie of Bursor & Fisher, P.A. as Class Counsel, and Plaintiff Alma Sue Croft as Settlement Class Representative.

5. This Court approves, as to form and content, the notice of proposed class action settlement (the "Notice"), in substantially the form attached to the Settlement Agreement as Exhibits B, C and D. The Court approves the procedure for Settlement Class Members to opt out of, or object to, the Settlement as set forth in the Settlement Agreement Notice.

6. The Court directs the mailing of the Settlement Class Notice by email and/or First-Class U.S. mail to the Settlement Class Members in accordance with the schedule set forth below. The Court finds the dates selected for the mailing and distribution of the Notice, as set forth below, meet the requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

Event	Deadline
Plaintiff to issue subpoena and rider to Platform Providers as described in the Agreement § 4.1.	No later than thirty (30) days of execution of Settlement Agreement
Defendant to provide completed Settlement Class List to Class Counsel and the Settlement Administrator	No later than fourteen (14) days after receiving the data per § 4.1 of the Settlement Agreement

¹ Excluded from the Settlement Class are (1) any Judge or Magistrate presiding over this Action and members of their families; (2) the Defendants, Defendants' subsidiaries, parent companies, successors, predecessors, and any entity in which the Defendants or their parents have a controlling interest and their current or former officers, directors, agents, attorneys, and employees; (3) persons who properly execute and file a timely request for exclusion from the class; and (4) the legal representatives, successors or assigns of any such excluded persons.

Settlement Administrator to provide Notice on the settlement website	No later than seven (7) days after entry of Preliminary Approval
Settlement Administrator to mail Notice via Email and/or First-Class U.S. Mail.	No later than sixty (60) days after entry of Preliminary Approval
Settlement Administrator to send Reminder Notice via email	No later than thirty (30) days prior to the Claims Deadline
Deadline to have postmarked and/or filed a written objection to this Settlement Agreement or a request for exclusion	No later than fifty-six (56) days following entry of the Final Approval Hearing

7. The Court appoints JND Legal Administration as the Settlement Administrator.

8. The Court adopts the following dates and deadlines:

9. The Claims Deadline is scheduled for _____, fifty-six (56) days following the Notice Date.

10. Class Counsel shall file a memorandum of points and authorities in support of their motion for approval of attorneys' fees and litigation expenses no later than _____.

11. Settlement Class Counsel shall file a memorandum of points and authorities in support of the final approval of the Settlement Agreement no earlier than _____, twenty-one (21) days following the Claims Deadline.

12. A final settlement approval fairness hearing on the question of whether the proposed Settlement, attorneys' fees to Settlement Class Counsel, and the Settlement Class Representative's Incentive Award should be finally approved as fair, reasonable and adequate as to the members of the Settlement Class is scheduled for _____.

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2 Dated this day _____ of _____, 2022

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The Honorable Ricardo S. Martinez
Chief United States District Judge